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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,116	09/29/2003	Darren James Zellak	R192403	9839

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EXAMINER

CHIN, PAUL T

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,116

Applicant(s)

ZELLAK, DARREN JAMES

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004 and 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 8-23 is/are pending in the application.
- 4a) Of the above claim(s) 9,16-20 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5,8,10-15,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed October 14, 2004, and the arguments presented therewith have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hood, Jr. et al. (3,699,629), Potter's device (2,667,094), and Potter (2,667,094) in view of Hood, Jr. et al. (3,699,629). A non-final office action follows below due to the rejection of previously objected claim 7.

Election/Restrictions

2. Applicant's election with traverse of the election of group I, readable on claims 3-5,8-15, and 21, in the reply filed on January 18, 2005, is acknowledged. The traversal is on the ground(s) that "the recited method can be practiced only with the claimed article". This is not found persuasive because the process for using the product as claimed can be practiced with other different products such as cable coupling and uncoupling devices, and insertion tools. Moreover, with regard to the election of species, applicant further argues that "Figures 1-7, Fig. 8, and Fig. 9 are not patentably distinct from each other". This is not found persuasive because figures 1-7 shows a rectangular shape sleeve and a rectangular shape gripper and a rectangular shape sleeve slidable on the gripper; figure 8 shows a circular gripper having two arc fingers (18,18), each finger having a ridge, and a circular sleeve (12) slidable on the gripper; figure 9 shows a circular gripper (14) having three grippers, which are patentably distinct. **The requirement is still deemed proper and is therefore made FINAL.** Note that claim 9 recites "fingers which form rounded connector slot" and the claim is withdrawn as non-elect invention. Applicant adds new claim 23 and the process for using the product as claimed can be practiced with other different products such as cable coupling and uncoupling devices, and insertion tools.

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Therefore, claims 3-5,8,10-15,21, and 22 are examined. Applicant cancels claims 1,2,6, and 7 in the provided amendment.

3. Claims 9,16-20, and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 18, 2005.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the cable slot to accommodate a cable" (Claim 21) and "the cable connector being locked into the connector tool to permit the cable to slide with the gripper" (Claim 22) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant

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will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 21 is objected to because of the following informalities: it appears in claim 21, line 7, that the word -- and -- after "sleeve" should be inserted, and the word "slide" (claim 21, line 8) should be changed to -- slid --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 3-5,8,10-15,21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The exact meaning of the recited phrase "said sleeve having a channel to accommodate said cable" (claim 21, line 17) is not clearly understood. Applicant recites "a sleevehaving a gripper channel" (claim 21, line 2) and later recites "said sleeve having a channel" (claim 21, line 17). It is unclear as to whether the recited "channel" refers to "the previously recited channel of the sleeve" or "another channel". Moreover, applicant recites "said finger" adapted to form "a connector slot" (claim 21, line 11) and also recites "said finger having a cable slot" (claim 21, line 15). It is unclear as to whether the recited "connector slot" and "a cable slot" are the same or different slots. Further, there is no antecedent basis for "the cable channel" (claim 22, line 2).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 3-5,8,10-15,21, and 22, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hood, Jr. et al. (3,699,629).

Hood, Jr. et al. (3,699,629) discloses an apparatus and method comprising a sleeve (60,66,70) (Fig. 3) having a first end, a second end, and a gripper channel between the plates 60 and 66 (see Fig. 3) extending between the two ends; a gripper assembly having a handle (78) and tapered fingers (80,82), and the sleeve and the gripper are slidable relative to each other, the fingers having a connector slot or a cable slot (see Figs. 4 and 5) capable of engaging an electronic component and a cable.

Re claims 3-5 and 8, Hood, Jr. et al. (3,699,629) shows the fingers (16,16) forming a substantially rectangular connector slot (Figs. 4 and 5), each having an engaging lug (fig. 4) providing for non-slip gripping.

Re claim 10, the device of Hood, Jr. et al. (3,699,629) is being made of plastic (Col 2, lines 59-61).

Re claims 11-14, Hood, Jr. et al. (3,699,629) shows a tapered gripper (fig. 4) and capable of performing the functional limitations as recited in the claims.

Re claim 15, figure 3 shows an end portion (70) of the sleeve, which can be considered as a finger rest at the first end of the sleeve. It is pointed out that Hood, Jr. et al. (3,699,629) contains all the structural elements as recited in the above claims while the intended use (i.e. *to engage a connector in a connector slot of a connector*) is not patentably significant and the device is capable of performing the functional limitations as recited in the claims.

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10. Claims 3-5,8,11-15,21, and 22, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Potter (2,667,094).

Potter (2,667,094) discloses an apparatus and method comprising a sleeve (18) having a first end, a second end, and a gripper channel (45) (see Fig. 7) extending between the two ends; a gripper assembly having a handle (17) and tapered fingers (16,16), and the sleeve and the gripper are slidable relative to each other, the fingers having a cable slot (see Figs. 4-6) capable of engaging a cable (55).

Re claims 3-5 and 8, Potter (2,667,094) shows the fingers (16,16) forming a substantially rectangular connector slot (Fig. 4), each having an engaging lug (27,27) providing for non-slip gripping.

Re claims 11-14, Potter (2,667,094) shows a tapered gripper (fig. 1) and capable of performing the functional limitations as recited in the claims.

Re claim 15, figure 8 shows a finger rest on the sleeve. It is pointed out that Potter's device (2,667,094) contains all the structural elements as recited in the above claims while the intended use (i.e. *to engage a connector in a connector slot of a connector*) is not patentably significant and Potter's device (2,667,094) is capable of performing the functional limitations as recited in the claims.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter (2,667,094) in view of Hood, Jr. et al. (3,699,629).

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Potter's device (2,667,094), as presented in section 10 above, does not show that the device is made of plastic. However, Hood, Jr. et al. (3,699,629), as presented in section 9 above, discloses a tool being made of a plastic (Col 2, lines 59-61). Accordingly, it would have been obvious design choice to make the Potter's device (2,667,094) with a plastic as taught by Hood, Jr. et al. (3,699,629) to provide a light, but reliable device.

Response to Arguments

13. Applicant's arguments with respect to claims 3-5,8,10-15,21, and 22, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, reading "Paul Chin". The signature is written in a cursive, flowing style with a large initial "P" and a small "i" at the end.

PAUL T. CHIN
Examiner
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